

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CARNEGIE INSTITUTE OF WASHINGTON :
et al.,                          :
                                :
    Plaintiffs,                  :
                                :
        -v-                      :    20-cv-189 (JSR)
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PURE GROWN DIAMONDS, INC., et al., :
                                :
    Defendants.                 :
                                :
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CARNEGIE INSTITUTE OF WASHINGTON :
et al.,                          :
                                :
    Plaintiffs,                  :
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        -v-                      :    20-cv-200 (JSR)
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FENIX DIAMONDS, LLC,            :
                                :
    Defendant.                  :
                                :
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ORDER

JED S. RAKOFF, U.S.D.J.

At the telephonic hearing on August 10, 2020, on plaintiffs' motions to strike defendants' counterclaims and affirmative defenses, the Court expressed some concern that the parties seemingly had submitted with their motion papers some factual materials not properly considered on such a motion. The Court directed the parties to submit letter briefs by no later

than close of business today justifying, if they could, such submissions.

The letters have now been received, and, upon review, the Court is pleased to conclude that the parties acted in good faith in attaching these materials to their submissions. Although the Court is still not convinced that all of the proffered materials were properly part of such motion practice, it now appears that many were proper and that, as to the others, the parties had a reasonable good-faith belief that inclusion of such materials was within what such motion practice permitted. Accordingly, no sanctions will be imposed, and the Court will simply content itself with disregarding such remaining materials as may have been inappropriately submitted.

SO ORDERED.

Dated: New York, NY
August 11, 2020


JED S. RAKOFF, U.S.D.J.